

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

SCOTT ENDICOTT,

Plaintiff,

v.

WEXFORD HEALTH SOURCES, INC.,  
GHALIAH OBAISI as the Independent  
Executor of the Estate of SALEH OBAISI,  
M.D., ANNA McBEE, MORGAN HUDSON,  
and RANDY PFISTER,

Defendants.

Case Number 17 cv 3792

Judge Robert W. Gettleman

**DEFENDANTS' UNOPPOSED MOTION FOR ENTRY OF QUALIFIED PROTECTIVE ORDER PURSUANT TO HIPAA**

Defendants, WEXFORD HEALTH SOURCES, INC., and GHALIAH OBAISI, as the Independent Executor of the ESTATE OF SALEH OBAISI, M.D., by and through one of their attorneys, Sandra L. Byrd of CASSIDAY SCHADE LLP, and for their Unopposed Motion, pursuant to 42 U.S.C. § 1320 and 45 CFR Parts 160 and 164 (“HIPAA”), move this Court for entry of a Qualified Protective Order (concurrently with this filing submitted to this Court’s Proposed Order email address). In support thereof, these Defendants state:

1. Plaintiff has filed a Complaint alleging the defendants violated his constitutional rights, as protected by 42 U.S.C. § 1983 of the Civil Rights Act, as a result of his medical treatment during his incarceration.

2. The defendants, treating physicians, hospitals and other health care providers involved with the care and treatment of Plaintiff are all “covered entities” as defined by 45 CFR 160.103. HIPAA prohibits covered entities from disclosing protected health information in

judicial proceedings other than by authorization or qualified protective order. 45 CFR § 164.512(e).

3. These covered entities are all in possession of “protected health information” (“PHI”) as defined by 45 CFR 160.103 and 164.501, in the form of medical records (imaging, test results, insurance documents, notes, orders, labs, correspondence, pathology, etc.) pertaining to Plaintiff.

4. Both the prosecution and defense of this case will require that the parties, their attorneys, their attorneys’ agents, consultants and various witnesses and other personnel receive and review copies of the PHI pertaining to Plaintiff, which is in the treating providers’ possession.

WHEREFORE, Defendants, WEXFORD HEALTH SOURCES, INC., and GHALIAH OBAISI, as the Independent Executor of the ESTATE OF SALEH OBAISI, M.D., pursuant to 42 U.S.C. § 1320 and 45 CFR Parts 160 and 164 (“HIPAA”), respectfully request that this Court enter a Qualified Protective Order and for any other relief as deemed just.

Dated: August 8, 2018

Respectfully submitted,

By: /s/ Sandra L. Byrd

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*Counsel for Defendants Wexford Health Sources, Inc. and Ghaliyah Obaisi as the Independent Executor of the Estate of Saleh Obaisi, M.D.*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 8, 2018 I electronically filed the foregoing document with the clerk of the court for Northern District of Illinois, Eastern Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of E-Filing” to the attorneys of record in this case.

/s/ Sandra L. Byrd

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